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PTO-1706A

EXAMINER
PTO-1706A

ART UNIT	PAPER NUMBER
	18

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

DATE MAILED:

1-12-95

This application has been examined Responsive to communication filed on Feb 22, 1995 and Jun 12, 1995
 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6.

Part II SUMMARY OF ACTION

1. Claims 1, 3, and 6-38 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. Claims _____ have been cancelled.
3. Claims _____ are allowed.
4. Claims 1, 3, and 6-38 are rejected.
5. Claims _____ are objected to.
6. Claims _____ are subject to restriction or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____ Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner; disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).
12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

The specification is objected to by the examiner.

MAB 5/17/96

Specification

1. Examiner notes that cited on page 3 of Preliminary Amendment, received Feb. 22, 1995, change relating to page 14, line 11 of specification was not entered due to the term "screen" not being on indicated line of specification.
2. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to adequately teach how to make and/or use the invention (eg. failing to provide an enabling disclosure) regarding a "generally-writable display" (specification page 12, line 15). Specifically, the specification refers to a writable display which to an artisan of input devices denotes at a minimum a touch panel or touch screen (see class 345, subclasses 156, 168-169 and 172-183) and more specifically, a writable display denotes a device that reads hand written input which requires specialized software and hardware for reading and interpreting differences in hand writing styles. However, the specification fails to specifically demonstrate that the display is a display of the type being inclusive of display peripheral interface input devices (eg. input-output device), but

rather demonstrates that the display is an output device only with input from push buttons or switches which are located on the body or casing of the unit and not on the display area (as necessary for a touch panel device) (see Figs. 1 and 3-41). In the alternative, the applicant shall indicate to the examiner the pages within the instant specification which specifically teach this feature is touch sensitive or a read-writable/input-output device.

Claim Rejections - 35 USC § 112

3. Claims 1, 3, 6-38 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

Claims

4. Examiner also notes that for claim 17, the file shows entry for claim 17 to depend from claim 10; however, the examiner was unable to locate correspondence (letter or Interview Summary) to indicate this change. Please advise examiner as to correct dependency for claim 17. Examiner will (for examination purposes only) examine claim 17 as depending from both claim 10 (amended entry) and 16 (originally filed).

Claim Rejections - 35 USC § 112

5. Claims 1, 3 and 6-38 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "in a manner" is vague and confusing. Is applicant claim "a manner". What is a "manner"? Examiner recommends deleting phrase.

The term "tending" is indefinite for not clearly claiming the metes and bounds of the invention. Examiner recommends deleting the term. For the phrase "tending to have", examiner recommends replacing with --having--.

The term "comfortably" is vague and indefinite for not clearly defining what denotes comfortable and comfortable to whom (eg. what standard applies).

The term "handheld" is vague and indefinite for not clearly claiming the metes and bounds of the invention. Hand held by whom, eg. what standard. An object may be "handheld" in one person's hands while not in another (eg. child vs. pre-adult vs. adult, female vs. male, etc.).

The phrase "writable display" is confusing in light of the specification in that the specification and drawings do not appear to show an input-output type display device. In the alternative, the applicant shall present the pages within the specification where this feature is functionally disclosed.

The terms and phrases "capable of", "to be", "it", "will be", "is being" are each indefinite for not clearly claiming the metes and bounds of the invention. Is applicant claiming invention includes feature(s) following cited term or phrase or does the invention only sometimes operate with the feature(s) following cited terms or phrases?

A broad range or limitation followed by linking terms (e.g., generally) and a narrow range or limitation within the broad range or limitation is considered indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Examiner recommends deleting term.

The phrase "in the form of" renders the claim indefinite because the claimed apparatus includes elements not actually disclosed (those encompassed by "in the form of") and the scope of the claim is unascertainable. Examiner recommends replacing "in the form of" with --from--.

The phrases "the screens", "the second", "the third", "the selected", "the displayed screen", "the parameters", "the user", "the scope", "the golf", "the entry", "the memory", "the selection", "the chosen game-interactive reporting" and "the relationship" each lack antecedent basis. For "the screens", examiner suggests --informational screens--. For "the displayed screen", examiner suggests --displayed informational screen--. For "the second", "the third", "the selected", "the parameters", "the user", "the scope", "the golf", "the entry", "the memory", "the selection" and "the relationship", examiner suggests deleting word "the" from phrase. For "the chosen game-interactive reporting" (claim 10), examiner recommends replacing "reporting" with --recording--.

Claims 3 and 6 are indefinite for depending from a cancelled claim (After Final Response and Amendment, received Jan. 27, 1995 was not entered, see Advisory Action, mailed Mar. 7, 1995). Examiner will (for examination purposes) examine claim 3 as if dependent from claim 1.

Claim 12, the phrases "selecting... screen", "selecting... fields" and "by doing so selecting... field" are confusing since the third phrase appears repetitive or reiterative of the first and second phrases.

The phrase "first... level of recording, and a second screen... reporting" (claims 16 and 27) are confusing. Examiner recommends replacing "reporting" with --recording--.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7. Claim 10 is rejected under 35 U.S.C. § 103 as being unpatentable over Barber. The examiner is applying cited art to claim as broadly and indefinitely claimed. Regarding claim 10, Barber shows a method (col. 3, line 35 - col. 8, line 36, Figs. 1-10) which includes (in summary) storing a plurality of game-interactive (Figs. 1-2, 4 and 6-7), and post-game (col. 6, lines 35-44, col. 7, lines 44-49, col. 8,

lines 12-23, Figs. 9-10) information screens in memory of a handheld unit having a display which selectively displays a screen (col. 5, lines 4-40, Figs. 1-2, 4, 6-7 and 9-10), displaying sequentially screens and entry of data which defines parameters of a game (col. 7, lines 44-68, col. 8, lines 1-14), providing a choice among screens for recording data (Figs. 1-2, 4, 6-7), displaying a chosen game-interactive recording screen (Figs. 1-2, 4, 6-7), entering data in chosen game-interactive screen and recording entered data in memory (col. 8, lines 12-14, Figs. 4, 6-9), and providing post-game reports (Fig. 10), where the game-interactive screen are data entry screens (col. 8, lines 12-14, Figs. 4 and 9) for each hole of a round of golf and post game is the total score for a round of golf (Fig. 10).

Barber does not show "pre-game" information screens. Entry of initializing data on a initializing (pre-game) screen prior to initiating play is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a pre-game screen such as a initializing screen with Barber's method in order to make it easier for record keeping or tallying purposes by recording in the device the number of players and the player names who will play a round of golf.

Allowable Subject Matter

8. Claims 1, 12, 15, 19, 20, 23 and 33 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

9. Claims 3, 6-9, 11, 13-14, 16-18, 21-22, 24-32 and 34-38 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112 and to include all of the limitations of the base claim and any intervening claims.

10. The examiner recommends including a phrase similar to "including screen-dependent data input fields to the golf play information in each screen" to independent claims 1, 10, 15, 19, 23 and 33 to clearly distinguish and claim the screen-dependency feature of the invention.

11. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 15, and 19, the combination of three keying means where the first selects a screen of information to display, the second selects a field on the displayed screen of information through use of tab feature, while the third selects a value to enter in the selected field on the displayed screen through use of scrolling through (numeric or alphanumeric, not claimed) data values with other claimed features of the instant claim appears novel and nonobvious over art of record.

Regarding claims 12 and 20, the combination of "screens including *screen-dependent data input fields*... to the golf play

information... each screen" (emphasis added) with other claimed features in claim appears novel and non-obvious over art of record.

Regarding claim 23, the combination of "displaying... pre-game screens... selection and recording of data defining extrinsic factors... an effect on player performance" and "providing post-game report screens based on... pre-game... screens" with other claimed features of the claim appears novel and nonobvious over art of record. Examiner notes that art of record demonstrates there are known extrinsic factors which effect player's performance; however, art of record does not show "selection and recording data defining extrinsic factors" and "providing... report screens based on... pre-game... screens" such that a report of a player's performance is displayed based upon extrinsic factors in the manner claimed.

Regarding claim 33, the combination of "computing and displaying statistics on the effect of one or more extrinsic factors on a player performance" with other claimed features of instant claim appears novel and nonobvious over art of record. Examiner notes that art of record demonstrates there are known extrinsic factors which effect player's performance; however, art of record does not show "computing and displaying statistics" pertaining to extrinsic factors effecting a player's performance in the manner claimed.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jenkins et al, Germain and Huston et al each disclose golf information systems and methods and are each considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is (703) 308-0785. The examiner is available to discuss modifications to claim language to overcome 112 or art issues. The SPE for the examiner is Ms. Jessica Harrison.

14. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858 and the Group's main fax number is (703) 305-3590.

MAS
MAS
May 17, 1996

J. Harr
JESSICA J. HARRISON
PRIMARY EXAMINER
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